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TO: Examiner David Owen Reip, Group Art Unit 3731

FAX NO.: 703.872.9306

FROM: Sheldon R. Meyer, Reg. No. 27,660

DATE: February 16, 2005 Total Pages : 11

Original will follow by mail: No

If you do not receive all of the pages, please call Tammy Kaplan at 415.362.3800.

In re Application of:

U.S. Patent Application No. 10/790,561 Conf. No.: 9704
Filed: March 1, 2004 Group Art Unit: 3731
Inventors: James F. Zucherman, Ken Y. Hsu, Henry A. Klyce
For: "SPINOUS PROCESS IMPLANT WITH TETHERS"
Attorney Docket No.: KLYC-01095US0

Transmitted herewith is:

1. Preliminary Amendment (8 pages); and
2. Amendment Transmittal (2 pages).

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): James F. Zucherman, Ken Y. Hsu, Henry A. Klyce
 Appl. No.: 10/790,561
 Confirm. No.: 9704
 Filed: March 1, 2004
 Title: SPINOUS PROCESS IMPLANT WITH TETHERS

PATENT APPLICATION

Art Unit: 3731
 Examiner: David Owen Reip

Customer No. 23910

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

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(Attorney Signature)

Sheldon R. Meyer, Reg. No. 27,660
 Signature Date: February 16, 2005

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Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted with this communication in connection with the above-identified application are the following:

✓

A Preliminary Amendment

✓

No fee is required with this communication.

✓

Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established.

- 1 -

Attorney Docket No.: KLYC-01095US0 SRM
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FEES	Claims Remaining After Amendment	Highest Number Previously Paid For	Present Extra	Rate Small Entity/Other Than Small Entity	Total
TOTAL CLAIMS (37 CFR 1.16(c))	<u>23</u> * -	<u>32</u> **	<u>0</u>	X \$ 25.00 X \$ 50.00	\$ 0.00
INDEPENDENT CLAIMS (37 CFR 1.16(b))	<u>7</u> * -	<u>8</u> ***	<u>0</u>	X \$ 100.00 X \$ 200.00	\$ 0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS (37 CFR 1.16(d))				+ \$180.00 + \$360.00	\$ 0.00
				TOTAL	\$ 0.00

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

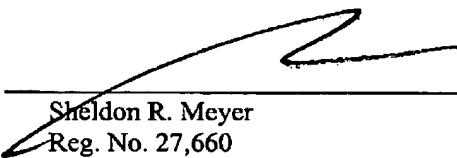
** If the "Highest Number of Previously Paid For" in this space is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" in this space is less than 3, enter "3".

✓ The Commissioner is hereby authorized to charge any deficiencies or credit overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

Date: 2/16/05

By: 
Sheldon R. Meyer
Reg. No. 27,660

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- 2 -

Attorney Docket No.: KLYC-01095US0 SRM
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

PATENT APPLICATION

Inventors: James F. Zucherman, Ken Y. Hsu, Henry A. Klyce
 Application No.: 10/790,561
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 on February 14, 2005

Signature

Sheldon R. Meyer, Reg. No. 27,660
 Date: February 14, 2005

PRELIMINARY AMENDMENT

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Commissioner for Patents
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Sir:

This Preliminary Amendment is being made for the purpose of amending some of the original claims and adding new claims 33 to 47. Entry of this Preliminary Amendment prior to examination is requested. Also enclosed herewith are the fees due for the addition of claims

Amendments

Please amend the above-identified application as follows:

Amendments to the claims begin on page 2 and

Remarks begins on page 7.

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Attorney Docket No.: KLYC-1095US0 SRM/CHJ
 chj/KLYC-1095US0.Prelim.Amd.doc